

Lanny Alan Sinkin  
P. O. Box 944  
Hilo, Hawai'i 96721  
(808) 936-4428  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF	) Case No. BLNR-CC-16-002
	)
A Contested Case Hearing Re Conservation	) <b>KINGDOM OF HAWAI'I</b>
District Use Permit (CDUP) (HA-3568 for	) <b>NOTICE OF ABSENCE OF NECESSARY</b>
The Thirty Meter Telescope at the Mauna	) <b>AND INDISPENSIBLE PARTIES</b>
Kea Science Reserve, Kaohe Mauka,	)
Hamakua District, Island of Hawai'i,	)
TMK (3) 4-4-015:009	)
_____	)

**KINGDOM OF HAWAI'I NOTICE OF ABSENCE  
OF NECESSARY AND INDISPENSIBLE PARTIES**

**I. INTRODUCTION**

The Kingdom of Hawai'i makes this limited appearance solely for the purpose of placing the Hearing Officer on notice that (1) the King and the Kingdom of Hawai'i are necessary and indispensable parties to this proceeding, (2) the King asserts sovereign immunity on behalf of himself and the Kingdom and declines to be a party to this proceeding, and (3) that the absence of necessary and indispensable parties that cannot be joined as parties requires the dismissal of this case.

**II. THERE ARE UNRESOLVED LAND CLAIMS THAT MAKE  
THE KING AND THE KINGDOM OF HAWAI'I  
NECESSARY AND INDISPENSIBLE PARTIES TO THIS PROCEEDING**

**A. The permit application in this proceeding includes a land claim.**

The subject matter of this contested case is a Conservation District Use Permit Application for the Thirty Meter Telescope Project to be built on the summit of Mauna Kea on the Island of Hawai'i filed by the University of Hawai'i at Hilo. DOC R-1.

Applicant, The University of Hawai'i at Hilo, has a Scientific Cooperation Agreement

with the TMT International Observatory, LLC (“TIO”) for TIO to construct and operate the Thirty Meter Telescope on Mauna Kea. DOC-2, Motion to have TMT International Observatory, LLC Admitted as a Party in the Contested Case Hearing at 2.

The University of Hawai’i at Hilo has subleased land to TIO for the construction of the Thirty Meter Telescope on Mauna Kea. Id.

This sublease is tantamount to a land claim by the Applicant, i.e. that Applicant has legitimate title to the land subleased to TIO.

**B. The King and the Kingdom of Hawai’i are necessary and indispensable parties to this proceeding because both also have a claim to the land at issue.**

In determining whether the King or the Kingdom are necessary parties to this proceeding, the Hearing Officer must determine whether either or both are indispensable “so that ‘in equity and good conscience’ this [contested case] should be dismissed,” if neither the King nor the Kingdom can be made a party. *Makah Indian Tribe v. Verity*, 910 F.2d 555, 558 (9th Cir. 1990).

It is impossible to read the history and not find the continued existence of the Kingdom, the continued existence of the Kingdom’s claims based on sovereignty, and the right of the Kingdom Government to be restored to be matters in which equity and good conscience are at issue.

The President of the United States clearly described the wrong that was committed and the requirement that the wrong be corrected or forever stain the character of the United States.

**United States President Grover Cleveland's Message to Congress, December 18, 1893:**

*As I apprehend the situation, we are brought face to face with the following conditions: The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may be safely asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.*

*But for the notorious predilections of the United States Minister for annexation, the Committee of Safety, which should be called the Committee of Annexation, would never have existed. But for the landing of the United States forces upon false pretexts respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government.*

*But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the provisional government from the steps of the Government building.*

*And finally, but for the lawless occupation of Honolulu under false pretexts by the United States forces, and but for Minister Stevens' recognition of the provisional government when the United States forces were its sole support and constituted its only military strength, the Queen and her Government would never have yielded to the provisional government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.*

*Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the provisional government.*

*But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality, that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.*

*By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair.*

*The provisional government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power. The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement, and that obedience to its commands practically*

*depends upon good faith, instead of upon the mandate of a superior tribunal, only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace.*

*A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities; and the United States in aiming to maintain itself as one of the most enlightened of nations would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality.*

*On that ground the United States cannot properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance.*

*On that ground it cannot allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform; and on the same ground, if a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse of the name and power of the United States, the United States cannot fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation.*

A century later, the United States Congress passed and President Clinton signed the Apology Resolution, Public Law 103-150, 107 Stat. 1510 (1993).

[http://kingdomofhawaii.info/wp-content/uploads/2015/01/kingdomofhawaii.info\\_United-States-Public-Law-103-150.pdf](http://kingdomofhawaii.info/wp-content/uploads/2015/01/kingdomofhawaii.info_United-States-Public-Law-103-150.pdf)

That resolution apologizes for the United States role in the illegal seizure of the Monarch and destruction of the legitimate Kingdom of Hawai'i Government. The resolution acknowledges that the Hawaiian people never relinquished their inherent sovereignty or their claims to their national lands.

Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;

Ibid. (emphasis added).

The claims regarding the Kingdom lands have never been resolved. See e.g. Jon M. Van Dyke, Who Owns the Crown Lands of Hawai'i, University of Hawaii Press, Honolulu, Hawai'i 2008

**C. The Kingdom has a right to be represented in this proceeding.**

If the King had chosen to grant the agency jurisdiction and sought to participate in this proceeding, the King would clearly qualify for admission as a party under the rules, having a property interest as to unresolved claims, as the sovereign over Crown lands, and as the effective executive of the government *in absentia*.<sup>1</sup> Exhibit 1 at ¶¶ 1-2.

The King also has personal interests similar to those of intervenors already admitted. Exhibit 1 at ¶¶ 8-9 *compare* DOC-25 (burying pico on Mauna), DOC-56 (family members buried on Mauna), DOC-59 (family members buried on Mauna).

Surely the unlawful overthrow of a nation by a foreign power is a matter that raises equitable concerns when the rights of the victims of that illegal action are being considered. *Makah Indian Tribe, supra*. Equity, at a minimum, requires the participation of some representative of the victims' interests in any proceeding determining those rights.

In this case, there is no party representing the interests of the King or the Kingdom of Hawai'i. Exhibit 1 ¶ 11.

The "inquiry is a practical one and fact specific." *Makah, supra*. The Court must first determine whether the absent party is necessary. *Id*.

The Kingdom asserts that the Kingdom still exists and has a functioning, though handicapped, government.

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<sup>1</sup> HAR §13-1-31(b) The following persons or agencies shall be admitted as parties:

...

(2) All persons who have some property interest in the land, who lawfully reside on the land, who are adjacent property owners, or who otherwise can demonstrate that they will be so directly and immediately affected by the requested action that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application.

Were the Kingdom a party herein, the Kingdom would argue that the actions of the United States Minister in 1893 constituted an act of war against the Kingdom and violated the treaties between the Kingdom and the United States, which recognized the Kingdom as a sovereign nation. See e.g. US TREATY WITH THE HAWAIIAN ISLANDS, DEC. 20, 1849.

The Kingdom would further argue that the United States President at the time clearly acknowledged the act of war and the right of the Kingdom Government to be restored. Infra p. 2-4,

The fact that the United States failed to correct the actions of its minister and restore Queen Lili'uokalani to her throne only furthered the injury of the initial act of war. That failure did not confer any legitimacy on the subsequent governments created by the traitors.

Nor did it confer legitimacy on the United States Government accepting the fruits of the initial act of war, e.g. the lands of the Kingdom Crown and Government.

The two failed attempts to ratify a treaty of annexation would not have been legitimate had they succeeded because the government usurpers in Hawai'i had no legitimate authority to relinquish the sovereignty of the Kingdom or alienate the lands of the Kingdom.

When those two failed attempts led to the joint resolution "annexation," the list of illegal actions simply grew by one more. No internal resolution passed by one nation can change the status of another independent nation.

The failure of the annexation efforts; the legally ineffective Admissions Act that sought and failed to seize the Kingdom and abrogate the treaties signed by the Kingdom; and the legally flawed statehood plebiscite that did not offer independence as an option, as required by international law, trace a long trajectory of illegal and immoral actions that should be before the Hearing Officer and are not.

Were the Kingdom a party, the Kingdom would present the ruling of the Kingdom Supreme Court, which extensively addressed the many issues raised by the initial acts of war and treason.

<http://kingdomofhawaii.info/wp-content/uploads/2015/06/Order-Kaulia-signed.pdf>

The Kingdom would present the extensive evidence, including the Kingdom Supreme Court ruling just referenced, that the Kingdom Government is an operating government. See [www.KingdomofHawaii.info](http://www.KingdomofHawaii.info).

The King's and the Kingdom's participation in the proceeding is necessary to bring these matters into the proceeding. No other party can represent the King or the Kingdom. They are both indispensable parties.

**III. THE HEARING OFFICER IN THIS PROCEEDING HAS JURISDICTION TO CONSIDER  
THE QUESTIONS PRESENTED WERE  
THE KING AND/OR THE KINGDOM A PARTY.**

While the United States Government official position at this time is that the Kingdom does not exist, **the evidence available at the Kingdom website – [www.KingdomofHawaii.info](http://www.KingdomofHawaii.info) -- has never been addressed by the Executive Branch of the United States Government, the Judicial Branch of the United States Government, or the Judicial Branch of the State of Hawai'i Government.** <sup>2</sup>

That these governmental entities have not yet addressed this evidence of the Kingdom's continued existence and the current record of acts of governance qualifying the Kingdom to be recognized as a sovereign does not preclude the Hearing Officer in this matter from taking up those question.

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<sup>2</sup> This website also includes the King's comprehensive vision and plan for the restored Kingdom, [http://kingdomofhawaii.info/wp-content/uploads/2015/01/kingdomofhawaii.info\\_docs\\_vision\\_and\\_plan.pdf](http://kingdomofhawaii.info/wp-content/uploads/2015/01/kingdomofhawaii.info_docs_vision_and_plan.pdf), and a plan for Humanitarian projects identified by people formerly associated with the United Nations. [http://kingdomofhawaii.info/wp-content/uploads/2015/01/kingdomofhawaii.info\\_docs\\_vision\\_and\\_plan.pdf](http://kingdomofhawaii.info/wp-content/uploads/2015/01/kingdomofhawaii.info_docs_vision_and_plan.pdf)

State courts in Hawai'i have been willing to address the question of the Kingdom's continued existence when raised. *See State v. Lorenzo*, 883 P.2d 641, 643-644 (1994), 77 Haw. 219 (Haw. App 1994) ("[T]here is no clear consensus that the Kingdom does continue to exist. Consequently, it was incumbent on Defendant to present evidence supporting his claim. ... Lorenzo has presented no factual (or legal) basis for concluding that the Kingdom exists as a state in accordance with recognized attributes of a state's sovereign nature.") (emphasis added); *see also State v. French*, 77 Haw. 222, 228, 883 P.2d 644, 649 (Ct. App. 1994) (absence of a "factual (or legal) basis for concluding that the [Hawaiian] Kingdom exists as a state in accordance with recognized attributes of a state's sovereign nature." *citing Lorenzo*); *Nishitani v. Baker*, 921 P.2<sup>nd</sup> 1182, 1191 (ICA Haw. 1996) ("Defendants have produced no evidence in support of their defense that as 'birth descendants of Native Hawaiians, who inhabited the Hawaiian Islands prior to 1778,' they enjoy immunity from a civil suit regarding contracts entered into by them in the State of Hawai'i."); *State v. Lee*, 976 P.2d 444, 456 (1999) ("the ICA has suggested that it is an open legal question whether the 'Kingdom of Hawai'i' still exists").

If the Kingdom was a party, the Kingdom would present an extensive evidentiary record of the actions taken by the restored Kingdom of Hawai'i Government demonstrating recognized attributes of sovereignty that would prove both the factual and legal existence of the Kingdom Government. That presentation would satisfy the objections of previous State courts that evidence of the existence of the Kingdom was not produced.

The assumptions that the University of Hawai'i has a land interest in this proceeding and that the King and Kingdom do not are a *sub silentio* acceptance of the initial theft of the Crown and Government lands belonging to the Kingdom and the granting of a property right to the heirs of that theft. The Kingdom clearly has an interest when such a determination is being used as the foundation of this proceeding.



That interest is not represented in this proceeding and cannot be represented other than by the King and/or the Kingdom.

**IV. IF THE HEARING OFFICER HAD JURISDICTION OVER THE KING AND THE KINGDOM, THE HEARING OFFICER COULD REACH A CONCLUSION OF LAW AS TO WHETHER THE CURRENT KINGDOM GOVERNMENT EXISTS AS A STATE IN ACCORDANCE WITH RECOGNIZED ATTRIBUTES OF A STATE'S SOVEREIGN NATURE.**

The Hearing Officer can apply standards for recognition to determine whether the current Kingdom Government meets those standards.

The Hearing Officer can make that determination without deciding the issue of whether the United States should recognize the current Kingdom Government. The latter issue is a political question outside the jurisdiction of the Hearing Officer.

**A. The United States set the bar very low for recognizing a government.**

In 1893, a group of 15 people, many not citizens of the Kingdom, committed treason and seized the Queen. The traitors set up a Provisional Government without any involvement of the Kingdom subjects in that creation. The United States Minister to the Kingdom promptly recognized the Provisional Government.

Despite the President of the United States proclaiming the 1893 action to be an illegal act of war against a friendly country, see Infra, p. 2-4, the United States never revoked the recognition of the Provisional Government and subsequently recognized the illegal successors to that "government."

This United States standard for recognition could, therefore, be termed the "fifteen guys" standard -- all you need are 15 people within a nation capable of seizing the political leader (with a little help from a foreign power) to establish a right to be recognized as the new government. The 15 people do not even have to be citizens of the nation.

This minimal standard can easily be met today by active Kingdom Nationals and participants in the Hawaiian Independence Movement working to restore the Kingdom Government on a wide variety of fronts.

## **B. There are international standards for recognition.**

In 1933, at the Seventh International Conference of American States in Montevideo, Uruguay, the participants, including the United States, adopted the Montevideo Convention on the Rights and Duties of States. This Treaty defined the rights of statehood, and established that the existence of states **was a question of fact**, while the recognition by other states was purely declaratory, and not a determinative factor of statehood.

<http://www.oas.org/juridico/english/treaties/a-40.html>

In the *Montevideo Convention on the Rights and Duties of States*, the definition of a State is found in Article 1.

### **Article 1:**

*The state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.*

In the Hawaiian context, the permanent population is the population of the nation of Hawai'i. That population encompasses those Hawaiian nationals<sup>3</sup> who live in the Hawaiian Islands and those who are part of the Hawaiian diaspora.

The defined territory is the Hawaiian Archipelago.

The government operates through the King and his staff.

As far as entering into relations with the other states, Ali'i Nui Mō'i Silva has communicated on a wide range of issues to other governments and accepted the invitation to send his representative to make a presentation to a gathering of reemerging nations. He most recently exchanged views with President Barack Obama regarding the threat posed by the Democratic People's Republic of Korea (DPRK). Exhibits 2 and 3.

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<sup>3</sup> "Hawaiian Nationals" are defined those who have self-identified as citizens of the nation and those applying for and receiving citizenship from a governmental entity within the nation.

These presentations of facts and law are simply examples of what the Kingdom could argue were the Kingdom to be a participant in this proceeding. Making findings based on such presentations is certainly within the legal capacity of the Hearing Officer

**V. AS A SOVEREIGN, THE KING DOES NOT AGREE TO SUBMIT  
HIMSELF OR THE KINGDOM TO THE JURISDICTION OF THE AGENCY HEREIN.**

Where a necessary party is a sovereign, the sovereign can choose not to submit to the jurisdiction of a foreign power. *Makah, supra*. Herein, the King, as a sovereign, refuses to submit to the jurisdiction of the agency considering the application at issue in this proceeding. Exhibit 1 ¶ 11.

**VI. CONCLUSION**

This Notice presents the Hearing Officer with a clear delineation of the many issues that would be raised, if the King and/or Kingdom were a party to this proceeding. No other party will raise any of these issues. The Kingdom is a necessary and indispensable party to this proceeding.

This pleading is a limited appearance solely to provide notice to the Hearing Officer of the missing necessary and indispensable parties and provide the Hearing Officer with sufficient evidence to conclude that, given the absence of these parties, the Hearing Officer lacks jurisdiction and must *sua sponte* dismiss the case. *Makah, supra*.

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
LANNY ALAN SINKIN  
Ali'i Mana'o Nui (Chief Advocate)  
By appointment of  
Edmund K. Silva, Jr.  
Ali'i Nui Mō'i (High Chief/King)

Dated: June 22, 2016, Hilo, Kingdom of Hawai'i

## **EXHIBIT 1**

Declaration of Ali'i Nui Mō'i Edmund Keli'i Silva, Jr.

I hereby declare the following to be true and correct:

1. At the request of an elder descended from the last House of Nobles of the Kingdom of Hawai'i, I agreed to assume the position of Ali'i Nui Mō'i (High Chief/King) within a restored Hawaiian Kingdom Government twelve years ago.
2. I am also qualified by my genealogy to serve in that position.
3. Since that time, I have performed numerous acts of governance that are documented on the Kingdom website at [www.KingdomofHawaii.info](http://www.KingdomofHawaii.info).
4. One of my first acts was to affirm the Kingdom's independence from the United States. [http://kingdomofhawaii.info/wp-content/uploads/2015/01/kingdomofhawaii.info\\_Right-to-Self-Determination.pdf](http://kingdomofhawaii.info/wp-content/uploads/2015/01/kingdomofhawaii.info_Right-to-Self-Determination.pdf)
5. I have taken numerous actions to protect Mauna a Wākea from those who would desecrate this sacred site in order to build another telescope. <http://kingdomofhawaii.info/documents/> Section titled "Protecting the Sacred Mountain."
6. In restoring the Kingdom, I am asserting the Kingdom jurisdiction over all lands that were designated as Crown or Government lands prior to the seizing of Queen Lili'uokalani.
7. The restored Kingdom lands include the lands where the proposed Thirty Meter Telescope is proposed to be built.
8. I am also told by my family that I have ancestors buried on the summit of Mauna a Wākea.
9. I am also told by my family that members of the family have buried the piko of new-born children in the summit area.
10. I have authorized Ali'i Mana'o Nui Lanny Alan Sinkin to make a limited appearance to notice the Hearing Officer in the contested case addressing the requested permit for the construction of the Thirty Meter Telescope that I and the Kingdom are necessary and indispensable parties to the proceeding.
11. I have not authorized anyone else to represent me or the Kingdom in the contested case.

  
Ali'i Nui Mō'i Edmund Keli'i Silva, Jr.

Dated: June 20, 2016

**EXHIBIT 2**



**His Majesty Edmund K. Silva, Jr.**  
Nou Ke Akua Ke Aupuni O Hawai'i

January 26, 2016

To: His Excellency Kim Jong Un  
Chairman  
Chosun Communist Party  
Kumsoosan, Miam-dong, Daesung district  
Pyongyang, Democratic People's Republic of Korea (DPRK)

President Barack Hussein Obama II  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

His Excellency Xi Jinping  
President of the People's Republic of China  
[premier@mail.gov.cn](mailto:premier@mail.gov.cn)

President Vladimir Putin  
Russian Federation <http://eng.letters.kremlin.ru/>  
4, Staraya Square, Moscow, 103132 – Russia.

President Park Geun-hye  
Cheongwadae, Sejong-ro No. 1, Jongno-gu, Seoul 110-820, Republic of South Korea  
E-mail: [webmaster@president.go.kr](mailto:webmaster@president.go.kr) , [foreign@president.go.kr](mailto:foreign@president.go.kr)

Prime Minister Mr. Kim Hwang-sik  
Central Government Complex, 55 Sejong-no, Jongno-gu  
Seoul, Korea 110-760



Ka Pu'uhonua O Na Wahi Pana O Hawai'i Nei  
kingdomofhawaii.info  
[hkingdomofhawaii@gmail.com](mailto:hkingdomofhawaii@gmail.com)

[http://en.wikipedia.org/wiki/List\\_of\\_bilateral\\_treaties\\_signed\\_by\\_the\\_Kingdom\\_of\\_Hawaii](http://en.wikipedia.org/wiki/List_of_bilateral_treaties_signed_by_the_Kingdom_of_Hawaii)

**The United Nations Charter provides the rest of the authority to do it." (An autonomous independent sovereign nation-state contemplated under Article 1 of the 1933 Montevideo Convention on Rights and Duties of States requiring the state as a person of international law possessing the four qualifications of (a) a permanent population, (b) a defined territory, c) government; and (d) capacity to enter into relations with the other states.)**

His Excellency Ban Ki Moon,  
Secretary General of United Nations  
United Nations Plaza  
New York, New York 10017

Subject: Peace – Now More than Ever.

Aloha Oukou: H.E. Kim Jong Un, President Barack Hussein Obama II, His Excellency Xi Jinping, President Vladimir Putin, President Park Geun-hye, Prime Minister Mr. Kim Hwang-sik and H.E. Ban Ki Moon,

*E pili mau na pomaika'i ia 'oe* — May blessings ever be with you.

As an ancient Chinese adage goes, “The greatest ideal is to create a world truly shared by all.” Peace, development, equity, justice, democracy and freedom are common values of all mankind and these are achievable through understanding and respecting each other’s Nations, culture, tradition and spiritual beliefs, and through treating each other with respect and dignity.

Humbly, I am deeply disturbed at the escalating tension between the People’s Republic of North Korea and the United States. There is talk of missiles capable of reaching from North Korea to Hawai’i and of missile defense systems being deployed in Hawai’i to counter that threat.

While I have taken many steps to restore the Kingdom of Hawai’i as a fully independent member of the community of nations, I am still not in a position to prevent the lands and waters of the Kingdom from being used by foreign powers for their purposes. That does not mean that I approve of such actions.

To North Korea, I state unequivocally that the Kingdom of Hawai’i has no issues with you. We desire nothing more than peaceful relations and joint efforts to improve the quality of life for all the Human Family and to restore vibrant health to the ecosystems that the Human Family has so badly damaged.



Ka Pu’uhonua O Na Wahi Pana O Hawai’i Nei  
Nou Ke Akua Ke Aupuni O Hawai’i  
kingdomofhawaii.info  
[hmkindomofhawaii@gmail.com](mailto:hmkindomofhawaii@gmail.com)

[http://en.wikipedia.org/wiki/List\\_of\\_bilateral\\_treaties\\_signed\\_by\\_the\\_Kingdom\\_of\\_Hawaii](http://en.wikipedia.org/wiki/List_of_bilateral_treaties_signed_by_the_Kingdom_of_Hawaii)

The United Nations Charter provides the rest of the authority to do it.” *An autonomous independent sovereign nation-state contemplated under Article 1 of the 1933 Montevideo Convention on Rights and Duties of States requiring the state as a person of international law possessing the four qualifications of (a) a permanent population, (b) a defined territory, c) government; and (d) capacity to enter into relations with the other states.*



If you have issues with the United States, those issues are between your two nations and do not involve my Kingdom directly. If we can be of any assistance in facilitating peaceful exchanges to resolve those issues, we stand ready to perform that service.

To the extent those issues threaten my people with being targeted for military action; I call upon both parties to acknowledge the existence of our Kingdom as a non-aligned nation and to respect our neutrality.

From North Korea, we request a pledge not to attack the Kingdom of Hawai'i.

From the United States, we call for cancellation of the plan to place missile defense systems on the Island of Kaua'i.

There is surely enough conflict in the world without generating more. The Human Family seems determined to drag itself into the abyss. The Kingdom stands for peace and reconciliation within the Human Family and for peace and reconciliation between the Human Family and the rest of the Natural World. We call upon all nations of the Earth to embrace these two goals.

In Closing:

I am looking forward to ending conflicts throughout the world and it starts here with you not wanting to launch Nuclear Missiles at my Kingdom. It's okay to feel the need to express one's displeasures with your neighbors as long as you do so for the right reasons, at the right time, for the right cause, and with honor, compassion and wisdom.

To possibly launch Nuclear Missiles at my Islands would be wrong. Innocent people would suffer for the sake of those not willing to sit down and iron out their difficulties. Leadership is about working in harmony solving issues with positive results. Not threatening another nation without provocation. Although we are a non-aligned nation, I will stand in solidarity to support the peaceful policies of any nation and to condemn those that seek to impose their will on others. Every nation has the sovereign right to live in peace. Therefore, let peace be the only discussion and not threats. Threats serve no divine purpose.



Ka Pu'uhonua O Na Wahi Pana O Hawai'i Nei  
Nou Ke Akua Ke Aupuni O Hawai'i  
kingdomofhawaii.info  
[hmkindomofhawaii@gmail.com](mailto:hmkindomofhawaii@gmail.com)

[http://en.wikipedia.org/wiki/List\\_of\\_bilateral\\_treaties\\_signed\\_by\\_the\\_Kingdom\\_of\\_Hawaii](http://en.wikipedia.org/wiki/List_of_bilateral_treaties_signed_by_the_Kingdom_of_Hawaii)

The United Nations Charter provides the rest of the authority to do it." *An autonomous independent sovereign nation-state contemplated under Article 1 of the 1933 Montevideo Convention on Rights and Duties of States requiring the state as a person of international law possessing the four qualifications of (a) a permanent population, (b) a defined territory, c) government; and (d) capacity to enter into relations with the other states.*

Why I wrote this letter should be obvious. I had no choice. Exercising my sacred duties to protect this Nation from attacks is absolute. Leaders who claim to be enlightened know there is no other way towards peace except the right way and that way is making peace within yourself, your nation, your neighbors and the nations of the world. I can assure you, once you do this, you will develop friends who will be most supportive of you and your noble ideas to serve your people and this planet we all share.

To reiterate, your issues, if any, are with those whom you feel have offended you and your Nation. The Kingdom of Hawai'i and its' people have done nothing to warrant any reprisals from your government towards mine.

### **We ARE the Kingdom of Hawai'i.**

“In 1893, our Nation, the Kingdom of Hawai'i, was stolen. In 2004, I accepted the calling to be King of these Hawaiian Islands by Prime Minister Samuel Kaluna a descendant of the Original Members of the ancient Hawaiian House of Nobles. Therefore, in accepting this sacred duty the Kingdom is restored — I am the Direct Hereditary King of Hawai'i.”

Declaration Signed October 21, 2004

**Ua Mau ke Ea o ka 'Aina i ka Pono,**



**Edmund K. Silva, Jr.  
Ali'i Nui Mō'i**

cc: Na Kupuna Council O Hawai'i Nei ame Moku  
Ali'i Mana'o Nui Lanny Sinkin  
Chief Justice Kingdom of Hawai'i  
Minister of Foreign Affairs



Ka Pu'uhonua O Na Wahi Pana O Hawai'i Nei  
Nou Ke Akua Ke Aupuni O Hawai'i  
kingdomofhawaii.info  
[hmkindomofhawaii@gmail.com](mailto:hmkindomofhawaii@gmail.com)

[http://en.wikipedia.org/wiki/List\\_of\\_bilateral\\_treaties\\_signed\\_by\\_the\\_Kingdom\\_of\\_Hawaii](http://en.wikipedia.org/wiki/List_of_bilateral_treaties_signed_by_the_Kingdom_of_Hawaii)

The United Nations Charter provides the rest of the authority to do it.” *An autonomous independent sovereign nation-state contemplated under Article 1 of the 1933 Montevideo Convention on Rights and Duties of States requiring the state as a person of international law possessing the four qualifications of (a) a permanent population, (b) a defined territory, c) government; and (d) capacity to enter into relations with the other states.*

## **EXHIBIT 3**

THE WHITE HOUSE

WASHINGTON

May 6, 2016

Mr. Edmund K. Silva, Jr.  
Hilo, Hawaii

Dear Edmund:

Thank you for writing. The United States does not ignore what happens beyond our borders, and we are committed to promoting peace, security, and human rights throughout the world.

Through its provocative and destabilizing behavior, pursuit of weapons of mass destruction and their means of delivery, and systematic, widespread human rights abuses, North Korea has isolated and impoverished its people and intensified its threat to international peace and security—including that of the United States. Alongside our allies and partners around the world, we have condemned this behavior, enhanced efforts to deter and defend against threats, and strengthened the multilateral sanctions regime to demonstrate that there are consequences for North Korea's actions.

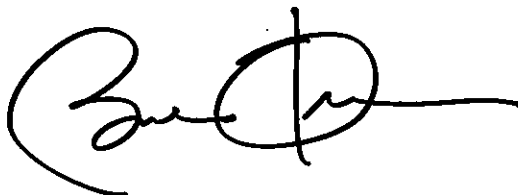
My Administration is determined to prevent North Korea from achieving its stated goals of advancing its nuclear program and gaining international acceptance as a nuclear weapons state while pursuing economic development. In addition to working with partners to fully enforce United Nations Security Council resolutions, I signed a new Executive Order to facilitate the implementation of additional sanctions of unprecedented breadth and strength, and to underscore our resolve to deter North Korea's destructive behavior. I am determined to stand by our country's ironclad commitment to defend treaty allies in the region.

We also share the international community's concern about human rights abuses in North Korea. The United Nations Commission of Inquiry has documented past and current abuses in painstaking detail, and we will continue working closely with our partners and allies to expose these actions and press North Korea to acknowledge and cease these serious violations.

North Korea has a choice: It can follow a path where it meets its obligations and enjoys greater security and prosperity, or it can stay on a course of confrontation and face more pressure and isolation. I remain open to opportunities for credible dialogue, but my Administration will not reward North Korea for undermining peace and stability or for defying the international community. We will continue to hold North Korea accountable for destabilizing and repressive actions, and we will sustain our unbreakable alliance with South Korea.

Thank you, again, for writing.

Sincerely,

A handwritten signature in black ink, appearing to be "Barack Obama", with a large, stylized "B" and a circular flourish.

Lanny Alan Sinkin  
P. O. Box 944  
Hilo, Hawai'i 96721  
(808) 936-4428  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)

Lay representative for Temple of Lono

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF ) Case No. BLNR-CC-16-002  
 )  
A Contested Case Hearing Re Conservation )  
District Use Permit (CDUP) (HA-3568 for ) **CERTIFICATE OF SERVICE**  
The Thirty Meter Telescope at the Mauna )  
Kea Science Reserve, Kaohe Mauka, )  
Hamakua District, Island of Hawai'i, )  
TMK (3) 4-4-015:009 )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of the Kingdom of Hawai'i Notice of Absence of Necessary and Indispensible Parties was served on the following parties by eMail:

"Judge Riki May Amano (Ret.)" <rma3cc@yahoo.com>, "Julie China Deputy Attorney General Land and Transportation Division" <julie.h.china@hawaii.gov>, "Michael Cain" <michael.cain@hawaii.gov>, "Ian Sandison" <isandison@carlsmith.com>, "Richard N. Wurdeman" <RNWurdeman@RNWLaw.com>, "Watanabe Ing LLP" <rshinyama@wik.com>, "Harry Fergerstrom" <hankhawaiian@yahoo.com>, "Richard L DeLeon" <kekaukike@msn.com>, "Mehana Kihoi" <uhiwai@live.com>, "C. M. Kaho'okahi Kanuha" <kahookahi@gmail.com>, "Joseph Kualii Lindsey Camara" <kualiic@hotmail.com>, "Lincoln S. T. Ashida" <lisa@torkildson.com>, "Jennifer Leina'ala Sleightholm" <leina.ala.s808@gmail.com>, "Maelani Lee" <maelanilee@yahoo.com>, "Lanny Alan Sinkin" <lanny.sinkin@gmail.com>, "Kalikolehua Kanaele" <akulele@yahoo.com>, "Stephanie-Malia:Tabbada" <s.tabbada@hawaiiantel.net>, "Tiffnie Kakalia" <tiffniekakalia@gmail.com>, "Glen Kila" <makakila@gmail.com>, "Brannon Kamahana Kealoha" <brannonk@hawaii.edu>, "Cindy Freitas" <hanahanai@hawaii.rr.com>, "William Freitas" <pohaku7@yahoo.com>

Dated: June 22, 2016

\_\_\_\_\_/s/\_\_\_\_\_  
Lanny Alan Sinkin

Lanny Alan Sinkin  
P. O. Box 944  
Hilo, Hawai'i 96721  
(808) 936-4428  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)

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Hamakua District, Island of Hawai'i,	)
TMK (3) 4-4-015:009	)
_____	)

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of the Kingdom of Hawai'i Notice of Absence of Necessary and Indispensable Parties were served on the following parties by first class mail:

Julie H. China  
Deputy Attorney General  
Department of the Attorney General  
465 South King Street, Room 300  
Honolulu, Hawai'i 96813  
[julie.h.china@hawaii.gov](mailto:julie.h.china@hawaii.gov)

*Counsel for Board of Land and Natural Resources*

Riki May Amano  
1003 Bishop Street  
Suite 1155, Pauahi Tower  
Honolulu, Hawai'i 96813  
[rma3cc@yahoo.com](mailto:rma3cc@yahoo.com)

*Hearing Officer*

Carlsmith Ball LLP  
Attn: Ian Sandison  
1001 Bishop Street  
ASB Tower, Suite 2200  
Honolulu, Hawai'i 96813  
[isandison@carlsmith.com](mailto:isandison@carlsmith.com)

*Counsel for the applicant University of Hawai'i at Hilo*

Richard N. Wurdeman  
Attorney at Law  
1003 Bishop Street, Suite 720  
Honolulu, Hawai'i 96813  
[RNWurdeman@RNWLaw.com](mailto:RNWurdeman@RNWLaw.com)

*Attorney for Mauna Kea 'Aina Hou; Clarence Kukauakahi Ching; Flores-Case 'Ohana; Deborah J. Ward; Paul K. Neves; and KAHEA: The Hawaiian Environmental Alliance*

Michael Cain, Custodian of Records  
Office of Conservation and Coastal Lands  
1151 Punchbowl, Room 131  
Honolulu, Hawai'i 96813  
[Michael.cain@hawaii.gov](mailto:Michael.cain@hawaii.gov)

Harry Fergerstrom  
P.O. Box 951  
Kurtistown, Hawaii 96760

Stephanie-Malia:Tabbada  
P O Box 194,  
Naalehu, Hawaii 96772

Dwight J. Vicente  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom

Dated: June 22, 2016

\_\_\_\_\_/s/\_\_\_\_\_  
Lanny Alan Sinkin